

# Agenda

## Item #8



STATE OF MAINE  
COMMISSION ON GOVERNMENTAL ETHICS  
AND ELECTION PRACTICES  
135 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0135

To: Mark J. Ellis, Chair, Maine Republican Party  
Phil Roy, Treasurer, Maine Republican Party

From: Jonathan Wayne, Executive Director

Date: October 26, 2008

Re: Complaint Concerning Use of Public Resources of Somerset County for  
Filing Campaign Finance Reports

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As we discussed by telephone, we received the attached complaint from Chuck Quintero about the use of public resources of Somerset County to file campaign finance reports for the Maine Republican Party. Although Mr. Quintero is the Senate Caucus Director for the Maine Democratic Party, he is filing the complaint as a private citizen.

Within the last 28 days before a general election, the Ethics Commission must consider any complaint within 24 hours of the filing of the complaint, unless all parties involved agree otherwise. (21-A M.R.S.A. § 1002(1)) So, I will be bringing this matter to the attention of the Commission members at their meeting tomorrow.

**From:** Chuck Quintero [mailto:cquintero@mainedems.org]  
**Sent:** Sunday, October 26, 2008 2:43 PM  
**To:** Wayne, Jonathan; O'Brien, Gavin  
**Cc:** 'Walker, Daniel W.'; Lavin, Paul; Brown, Jeremy J  
**Subject:** RE: IE 34 was for MHS

Jonathan,

Thank you for your time in this matter. I appreciate the explanation for IE#34; as has been noted time is a valuable commodity these days.

In reference to the second paragraph of my complaint, I would like the ethics commission to take this matter up on Monday. If the commission agrees that they have no jurisdiction in this matter than I would like to request that they forward this complaint to the appropriate law enforcement office for further action. As laid out in MRSA title 5 Section 7056 (see attached) this action clearly violates the law.

And just to be clear, I am filing this complaint as a citizen and not on behalf of the Maine Democratic Party.

Thank you,

Chuck Quintero

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**From:** Chuck Quintero [mailto:cquintero@mainedems.org]  
**Sent:** Saturday, October 25, 2008 8:31 PM  
**To:** Wayne, Jonathan; O'Brien, Gavin  
**Subject:** RE: New Independent Expenditure Report

Jonathan,

It is not noted what the expenditure in opposition to Sen. Bowman(ref 34) was for. Is that something that did not come through on your web posting or did the Maine Senate Republican Committee file their paper work improperly? If the expenditure is marked correctly on your end can you please tell me what it was for?

Also it is my understanding that it is improper to use government resources to conduct campaign activities. If this is correct can someone please explain the appropriateness of submitting independent expenditure reports from the Somerset County Jail (see IE reports Ref#s 39,38 and 30). I would like to know who exactly is the individual filing these reports using state resources and would also very much like to know if they are performing political activity on taxpayer time.

Thank you,

Chuck Quintero

## 5 §7056-A. Political activity

**1. Use of official authority.** An officer or employee in the classified service or an employee from the executive branch in the unclassified service of this State may not use that officer's or employee's official authority, influence or supervisory position for the purpose of:

- A. Interfering with or affecting the result of a partisan election or nomination for elective office; or [1997, c. 498, §6 (NEW).]
- B. Attempting to intimidate, threaten, coerce, command or influence a person to give or withhold a political contribution or to engage or not to engage in any form of political activity as defined in this section. [1997, c. 498, §6 (NEW).]

For the purpose of this subsection, "use of official authority or influence" includes promising to confer or conferring a benefit such as compensation, a grant, contract, license or ruling; effecting or threatening to effect a reprisal, such as deprivation of compensation, a grant, contract, license or ruling; or taking, directing others to take, recommending, processing or approving any personnel action.

[ 1997, c. 498, §6 (NEW) .]

**2. Political contributions.** An officer or employee in the classified service or an employee from the executive branch in the unclassified service of this State may not:

- A. Give or offer to give a political contribution to an individual to vote or refrain from voting or to vote for or against any candidate or measure in any partisan election; [1997, c. 498, §6 (NEW).]
- B. Solicit, accept or receive a political contribution to vote or refrain from voting or to vote for or against any candidate or measure in any partisan election; [1997, c. 498, §6 (NEW).]
- C. Knowingly give or hand over a political contribution to a superior of the employee; [1997, c. 498, §6 (NEW).]
- D. Knowingly solicit, accept or receive or be in any manner concerned with soliciting, accepting or receiving a political contribution from another employee or a member of another employee's immediate family who is a subordinate of the employee; or [1997, c. 498, §6 (NEW).]
- E. Knowingly solicit, accept or receive a political contribution from or give a political contribution to any person who:
  - (1) Has or is seeking to obtain contractual or other business or financial relations with the agency in which the employee is employed;
  - (2) Conducts operations or activities that are regulated by that agency; or
  - (3) Has interests that may be substantially affected by the performance or nonperformance of the employee's official duties. [1997, c. 498, §6 (NEW).]

[ 1997, c. 498, §6 (NEW) .]

**3. Political activity.** An officer or employee in the classified service or an employee from the executive branch in the unclassified service of this State may not engage in political activity:

- A. When the employee is on duty; [1997, c. 498, §6 (NEW).]
- B. In state-owned or leased work space occupied in the discharge of official duties or by using the facilities or services of the State; or [1997, c. 498, §6 (NEW).]
- C. When wearing a uniform or official insignia identifying the office or position of the employee or while using a vehicle owned or leased by the State or its agencies. [1997, c. 498, §6 (NEW).]

As used in this subsection, political activity means to advocate expressly for the election or defeat of any candidate

for a federal office, a constitutional office or any candidate for partisan elective municipal, county or state office, including leadership positions in the Senate and the House of Representatives or to solicit contributions reportable under Title 21-A, chapter 13.

[ 1997, c. 498, §6 (NEW) .]

**4. Candidacy for elective office.** An officer or employee in the classified service or an employee from the executive branch in the unclassified service of this State, except for an officer or enlisted person in the Maine National Guard, may not be a candidate for elective office in a partisan public election other than for a local office. This subsection may not be construed as prohibiting an officer or employee of the State from being a candidate in an election if none of the candidates is nominated or elected at that election as representing a party whose candidates for presidential elector received votes in the last preceding election during which presidential electors were selected. Law enforcement officers continue to be subject to departmental rules regarding procedures on candidacy.

[ 2007, c. 130, §1 (AMD) .]

**5. Rights of voting and free expression.** An officer or employee in the classified service or an employee from the executive branch in the unclassified service of this State retains the right to vote as that officer or employee chooses and to express opinions on political subjects and candidates.

[ 1997, c. 498, §6 (NEW) .]

**6. Rights of participation in political organizations and activities.** An officer or an employee of the classified service or an employee from the executive branch in the unclassified service of this State may:

- A. Campaign for and hold an elective office in political clubs and organizations; [1997, c. 498, §6 (NEW) .]
- B. Contribute money to political organizations or attend political fundraising functions; [1997, c. 498, §6 (NEW) .]
- C. Donate personal time and service to a political cause; [1997, c. 498, §6 (NEW) .]
- D. Be a candidate for public office in a nonpartisan election; and [1997, c. 498, §6 (NEW) .]
- E. Participate in any other activity not specifically prohibited by state or federal law. [1997, c. 498, §6 (NEW) .]

[ 1997, c. 498, §6 (NEW) .]

**7. Exemption of official duties.** This section may not be construed to apply to any actions taken in order to carry out the duties and responsibilities of an officer's or employee's position, including but not limited to advocacy on policy issues or legislation.

[ 1997, c. 498, §6 (NEW) .]

#### SECTION HISTORY

1997, c. 498, §6 (NEW). 2007, c. 130, §1 (AMD).

2008 Election



RECEIVED

OCT. 25 2008

MAINE ETHICS COMMISSION

COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES

Mail: 135 State House Station, Augusta, Maine 04333

Office: 242 State Street, Augusta, Maine

Website: www.maine.gov/ethics

Phone: 207-287-4179

Fax: 207-287-6775

IE 39

## INDEPENDENT EXPENDITURE REPORT – 2008 GENERAL ELECTION

Name of Person/Committee Making Expenditure(s) Maine Republican PartyMailing Address 9 Higgins StCity, Zip Code Augusta, ME 04330Telephone 207-822-8247

Please check the appropriate box for the report you are filing and complete the notarized affidavit and attached schedules. Reports must be filed on Saturday or Sunday if that is when they are due by faxing the report to the Commission (287-6775). The Commission must receive the signed original report within 5 days after the fax was received.

INDEPENDENT EXPENDITURES OF MORE THAN \$250 PER CANDIDATE

- ☐ Independent expenditures of more than \$250 per candidate per election must be reported to the Commission within 24 hours of making the expenditure.
- ☐ Once the aggregate amount per candidate exceeds \$250, any additional expenditures, regardless of amount, must be reported within 24 hours.

**X Report of Independent Expenditure over \$250 per Candidate**INDEPENDENT EXPENDITURES OF MORE THAN \$100 AND UP TO \$250 PER CANDIDATE (SELECT ONE REPORT)

- ☐ If the total of expenditures per candidate exceeds \$100 but is not more than \$250, the expenditures must be reported according to the schedule below.
- ☐ Once the amount per candidate exceeds \$100, all subsequent expenditures must be reported, regardless of amount, up to \$250 per candidate. Once the amount spent per candidate exceeds \$250 in the aggregate, independent expenditures must be reported within 24 hours.
- ☐ Do not include expenditures that you listed in previously filed reports.
- ☐ During the 13-day period before an election, all independent expenditures must be reported within 24 hours.

## GENERAL ELECTION REPORTS

| Reporting Period                                 | Filing Deadline |
|--|-----------------|
| <input type="checkbox"/> Through July 5          | July 15         |
| <input type="checkbox"/> Through September 30    | October 10      |
| <input type="checkbox"/> Through October 21      | October 24      |
| <input type="checkbox"/> October 22 - November 4 | Within 24 Hours |
| <input type="checkbox"/> Through December 9      | December 16     |

## OTHER

- ☐ Amendment to report dated: \_\_\_\_\_
- ☐ Other (specify): \_\_\_\_\_

I CERTIFY THAT THE INFORMATION IN THIS REPORT IS TRUE, CORRECT AND COMPLETE.

Signature of PAC or Party Treasurer, or  
Other Authorized Person Making Expenditure(s)

Date

10/25/08

2008 Election

RECEIVED

OCT 25 2008



MAINE ETHICS COMMISSION

COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES  
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IE 38

## INDEPENDENT EXPENDITURE REPORT -- 2008 GENERAL ELECTION

Name of Person/Committee Making Expenditure(s) Maine Republican PartyMailing Address 9 Higgins StCity, Zip Code Augusta, ME 04330Telephone 207-622-6247

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Signature of PAC or Party Treasurer, or  
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10/24/08  
 Date

2008 Election



RECEIVED

OCT 24 2008

MAINE ETHICS COMMISSION

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